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9 Attorneys for Defendants VENETIAN CASINO  
 RESORT, LLC; LAS VEGAS SANDS, LLC, and LAS  
 10 VEGAS SANDS CORP.

11  
 12 **IN THE UNITED STATES DISTRICT COURT**  
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 **JONATHAN BROWNING, INC.,**

15 **Plaintiff,**

16 **v.**

17 **VENETIAN CASINO RESORT, LLC, LAS**  
 18 **VEGAS SANDS, LLC, LAS VEGAS SANDS**  
 19 **CORP., and DOES 1 through 100, inclusive,**

20 **Defendant.**

21 **VENETIAN CASINO RESORT, LLC, LAS**  
 22 **VEGAS SANDS, LLC, LAS VEGAS SANDS**  
 23 **CORP.,**

24 **Third-Party Plaintiffs,**

25 **v.**

26 **KIRK NIX ASSOCIATES INC. D/B/A KNA**  
 27 **INTERIOR DESIGNS, a California**  
 28 **corporation,**

**Third-Party Defendant.**

**CASE NO.: C 07-3983 (EMC)**

**STIPULATION TO CONTINUE**  
**HEARING ON DISCOVERY**  
**DISPUTE AND REQUEST FOR**  
**ADDITIONAL DISPUTES TO BE**  
**HEARD**

**STIPULATION**

**C 07-3983 JSW**

1 WHEREAS this Court has scheduled a hearing on September 10, 2008 to advise defendants  
2 Venetian Casino Resort, LLC, Las Vegas Sands, LLC, And Las Vegas Sands Corp. (collectively  
3 "Venetian") and plaintiff Jonathan Browning, Inc. ("Browning") regarding the discovery disputes  
4 addressed in the Joint Letter to Judge White dated August 12, 2008;

5 WHEREAS counsel for counsel for Browning has an appellate argument on September 10,  
6 2008 in Salem, Oregon;

7 NOW THEREFORE THE PARTIES HEREBY STIPULATE that, upon approval of the  
8 Court, the Court enter the Proposed Order Continuing Hearing attached hereto as Exhibit A,  
9 continuing the hearing to September 24, 2008 at 10:30 am.

10 Additionally, an additional discovery dispute has arisen relating to Browning's objections  
11 and refusal to produce financial documents, which is to be heard by this Court. In the interest of  
12 efficiency and judicial economy, the parties request that the Court hear all discovery disputes related  
13 to this objection and refusal to produce financial documents at the same time. *Venetian et al.*  
14 subpoenaed Orlando, Mitts, Moore & Company ("Orlando") requesting financial documents for  
15 Jonathan Browning, Inc., Jonathan Browning Studios, Inc. and Jonathan Browning the individual. A  
16 copy of that subpoena is attached to hereto as Exhibit B. Counsel for Plaintiff, Mr. Anthony  
17 McNamer, served the objections to the subpoena and refused to produce financial documents. We  
18 enclose copies of the objections served by Mr. McNamer as Exhibit C. The parties' positions on  
19 whether financial documents must be produced have been set forth in a joint letter dated August 12,  
20 2008.

21 As set forth in detail in the August 12, 2008 Joint Letter, *Venetian et al.* asserts that all  
22 documents requested in the subpoena are discoverable as they are necessary in order to calculate  
23 Browning's alleged lost profits. Browning and Orlando assert, as set forth more fully in the August  
24 12, 2008 Joint Letter, that Jonathan Browning Studios, Inc.'s complete financial information is  
25 irrelevant to the claims in this matter.

26 Since counsel for all parties, including counsel for Orlando are already scheduled to appear  
27 before this Court to discuss whether financial documents must be produced, the parties respectfully  
28

STIPULATION  
2

C 07-3983 JSW

1 request that the Court also provide guidance at that time as to whether the subpoenaed financial  
2 documents must be produced.

3 No other extensions have been requested on this matter. Thus, the parties respectfully  
4 request entry of the Proposed Order Continuing Hearing attached hereto as Exhibit A and further  
5 request the Court's guidance in resolving the dispute relating to the Orlando subpoena at that time.

6 If the Court is unable to resolve these disputes, Venetian requests leave to file a Motion to  
7 Compel.

8 Dated: September 5, 2008

**DUANE MORRIS LLP**

9  
10 By: s/Michelle A. Hon

Ray L. Wong

Michelle Hon

11 Attorneys for Third-Party Plaintiffs VENETIAN  
12 CASINO RESORT, LLC, LAS VEGAS SANDS, LLC,  
and LAS VEGAS SANDS CORP.

13 Dated: September 5, 2008

**McNamer and Company**

14  
15 By: 

Anthony McNamer

Attorneys for Plaintiff

16 JONATHAN BROWNING INC.  
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15 Specially Appearing for Defendants VENETIAN  
16 CASINO RESORT, LLC; LAS VEGAS SANDS, LLC,  
17 and LAS VEGAS SANDS CORP.

18  
19 **IN THE UNITED STATES DISTRICT COURT**  
20  
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 JONATHAN BROWNING, INC., a California  
23 corporation,

24 Plaintiff,

25 v.

26 VENETIAN CASINO RESORT, LLC, a Nevada  
27 limited liability company; LAS VEGAS SANDS,  
28 LLC, a Nevada limited liability company; LAS  
VEGAS SANDS CORP., a Nevada corporation; and  
DOES 1 through 100, inclusive,

Defendant.

Case No.: C 07-3983 JSW

**DECLARATION OF SERVICE**

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is 101 West Broadway, Suite 900, San Diego, California 92101. On the date listed below, I served the following document(s) in the manner indicated:

///

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1 **1. STIPULATION TO CONTINUE HEARING ON DISCOVERY DISPUTE AND**  
2 **REQUEST FOR ADDITIONAL DISPUTES TO BE HEARD**

- 3 ☒ via electronic means by the Court's electronic filing system.
- 4 ☐ by placing the document(s) listed above in a sealed envelope to the person at the address set  
5 forth below with first class postage thereon fully prepaid and deposited said envelope with  
6 the United States Postal Service on the same date set out below.

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Attorneys for Third Party Defendant, KIRK  
NIX ASSOCIATES, INC., D/B/A KNA  
INTERIOR DESIGNS

23 I declare under penalty of perjury under the laws of the State of California that the above is  
24 true and correct.

25 Executed September 5, 2008, at San Diego, California.

26   
27 BARBARA STODDARD  
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